

North Smithfield Zoning Board of Review  
March 24, 2015, 7:00pm  
Kendall Dean School  
83 Green St., Slatersville, RI

The Chair called the meeting to order at 7:00 pm.

1. Roll Call

Present: Chair William Juhr, Vice Chair Steve Scarpelli, Scott Martin, Paul Pasquariello, Mario DiNunzio, Vincent Marcantonio, and Robert Najarian. Also present was Asst. Town Solicitor Stephen Archambault, Building and Zoning Official James Cambio and Zoning Inspector Carl Johnson.

2. Mr. Juhr made disclosure of no compensation or pension credits are received by the board members.

3. Approval of minutes, February 10, 2015.

Mr. Martin made a motion to approve the minutes of February 10, 2015. Mr. Scarpelli seconded the motion, with all in favor.

4. Application for Wide World of Indoor Sports requesting a special use permit for an Indoor Recreation Facility from Section 5.4.6.9 located at 621 Pound Hill Road, North Smithfield, AP 8, Lot 299. Zoning District: Manufacturing.

Mr. Juhr reviewed the Exhibits.

P1) Town of North Smithfield Application for Certificate of Zoning Compliance, Application No ZC-15-08, 1 page, right hand corner date issued 2/17/15, Plat 8, Lot 299.

P2) Application for Hearing before Zoning Board of Review, 1 page, Application No: ZC-15-08 dated 1/29/15, Zone M, Plat 8, Lot 299 for Special Use Permit.

P3) Letterhead Town of North Smithfield, Office of the Building and Zoning Official, Application No: ZC-15-08, signed by the applicant, dated 1/29/15, received 2/17/15, 1 page. Record that all fees have been paid.

P4) Abutters List (8 abutters) for Plat 8, Lot 299, Pond Hill Real Estate Co, LLC, 621 Pond Hill Rd, 1 page

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P5) Letter to Mr. Ericson from Mr. Daniel R. DeCesaris, P.E., Project Manager for Joe Casali Engineering, Inc, dated February 6, 2015, 1 page, stamped received Feb 06, 2014 (which is an error should be 2015).

P6) Radius Map, 11" x 17" sheet, AP 8, Lot 299, from JCE, Joe Casali Engineering, Inc., dated Dec. 2014.

P7) Site Plan, Plat 8, Lot 299, Wide World of Indoor Sports, stamped by Joseph Casali Engineering, Inc., registered Professional Engineer, hand written date 1/28/15, Project No. 07-09d, 3 sheets. The 4<sup>th</sup> sheet, Locus map, Title Insurance Plan for Pound Hill Park, signed by Kenneth Conte, Professional Land Surveyor, dated and signed 7/1/2010.

The Board had requested the original application packet and supplemental documents from the Building Official for review prior to the meeting.

B1) Coversheet, labeled To: Zoning Board members, From: James Cambio, Building Official, Re: ATM Development-Wide World of Sports, documentation when applicant came before the board the first time.

B2) Pound Hill Office & Business Park LLC, dated 6/30/08, to Town of North Smithfield Zoning Dept., original request for indoor facility.

B3) Town of North Smithfield, letterhead from Mr. Benoit to Peter Sangermano, III, Pound Hill Office and Business Park LLC, original denial of the application for Special Use Permit.

B4) Memorandum from the Office of the Town Planner, Michael Phillips, dated July 16, 2008, 1 page, Site Modification/Special Use Permits – Pound Hill Business Park/Plat 8 Lot 299.

B5) Zoning Board Meeting minutes, dated 10/8/2008, selected pages 485, 486, 490, 491, 492, 493, 497, 498, 500, 501. Mr. Cambio provided the pages that pertained to Pound Hill Office & Business Park LLC.

B6) Decision dated October 8, 2008, for Special Use Permits, Granting Special Use Permit and Variance at 621 Pound Hill Rd, Tax Assessor's Plat 8, Lot 299, approved by a vote of 5-0, page 502, 503, 504, 505, 506, Vincent Marcantonio, Chair.

B7) Town of North Smithfield, Planning Board minutes, dated March 12, 2015, 5 pages, submitted by Robert Ericson on March 17, 2015.

Christopher O'Connor, Esq, from Poore & Rosenbaum for the applicant. Mr. O'Connor stated the applicant has been before the Planning Board on 3 separate occasions. The first meeting on 1/15/2015 pre-application before the Planning Board as an informal meeting which continued to 2/5/2015 for a site plan review (master plan) which was approved and continued to 3/12/2015 which is documented as B7 Planning Board minutes.

Mr. Joseph Casali was sworn in. Mr. Casali stated he is a registered professional engineer, registered in 4 states, has a BS Degree in Civil & Environmental Engineering from URI, MBA from URI, and has been practicing for 23 years. Joseph Casali Engineering Inc., Civil Engineer site designers in business for 13 years. Accepted as an expert with other cities and towns; clients

are state, federal and municipal agencies; employed in the past as Asst Town Engineer in Smithfield, RI.

PowerPoint presentation would like to enter as an exhibit and will provide a copy to the board.

Mr. Casali stated Assessors Plat 8, Lot 299, located on RT 146, Eddie Dowling Highway, Pound Hill Road known as North Smithfield Industrial Drive. Condominium Associations Unit 1 and 2 co-exist. Manufacturing Zone meets all 40' setbacks. The existing commercial structure (temporary structure) is 23,000 sq. ft, the main building is less than 68,000 sq. ft, and the 3<sup>rd</sup> commercial building is 26,000 sq. ft and on 10/8/2008 the ZBR decision granted dimensional relief for 69 spaces for the 192 required spaces what exists today. The proposed addition 15,725 sq. ft and by code is required to have 63 additional parking spaces (4 per 1,000 per code) with 23 parking spaces being displaced requiring a total of 83 spaces- preserve the 192 spaces. Correspondence was received from a member of the conservation commission regarding the front entrance vehicular movements and will be formalized with stop signs and striping. Proposed additional drainage, no rest rooms will be in the additional space, designed with NFPA 101. Mr. Casali has met with Fire Marshall Brian Gotlan and the Fire Chief regarding access, turning maneuvering and number of hydrants. They have already filed with DEM a Notice of Intent for storm water management and received master plan approval on 3/12/2015. If receive approval for special use permit, the next step would be before the Planning Board on 4/16/2015 for a preliminary and then final plan.

Mr. Casali stated the 192 parking spaces service the campus. Mr. Ericson asked for a parking agreement between both Condominium Association tenants- the cross reference on parking. Wide World of Sports peaks on the weekends and the sole purpose is for covered recreational use and busiest October, November, December and through April. Day care is operational Monday – Friday, 7:00 a.m. – 5:00 p.m. All buildings have access to all parking spaces.

Entered Exhibit

P8) Mutual Parking Agreement, 9 pages, requested by Town Planner and Planning Board. All 192 parking spots are shared with all buildings.

Mr. Juhr has seen major parking problems. Mr. O'Connor said the additional parking will add order and formalize parking in the dirt area in a master plan to accommodate the structure and all buildings by the zoning ordinance.

Mr. Juhr asked about the outdoor field in the original agreement and how did the bubble get approved. Mr. Juhr stated the agreement with the town is outstanding and not in conformance. Mr. O'Connor stated the outdoor field has been covered with a dome which came into existence in 2010 after meeting with the Building Official. The original plan was going to be a grassed area striped to accommodate 69 parking spaces and a striped 150' x 75' regulation soccer field. The application in 2008 called for extra spaces after meeting with the Zoning Board for a Special Use Permit – the Conservation Commission issued correspondence to the Zoning Board about concerns in using the that space for parking which were in the 10/8/2008 minutes. The Chairman, Mr. Gagnon, had issues with using the grassed area for parking. Granted applicant a variance for relief and set parking spaces at 192.

Mr. Marcantonio asked if Mr. O'Connor read the ZBR minutes about the parking dated 10/8/2008. Mr. Juhr read the 4<sup>th</sup> paragraph in Exhibit B5, page 493, Zoning Board Meeting minutes, "Dan Fowcet was sworn in by the stenographer. He stated that he is the current owner of RI Sports Center (hockey rink on 146), and that this facility is somewhat similar in that it is seasonal, with peak hours, and is slower in summertime and daytime... At worst-case scenario, with the facility running at full capacity, there will be 160 cars, doubled 80 players (in case of cars entering and exiting at the same time.)" Mr. Juhr does not feel there are enough parking spaces.

Mr. Stephen Sangermano was sworn in. Mr. Sangermano has been the owner of Wide World of Indoor Sports for 6 years. The daycare is open Monday – Friday and closes at 5:00 pm. Wide World of Indoor Sports is busiest on the weekends. They moved the fields around to let out at different times because of the parking issue. The outdoor field made no money so they put a dome on it. Mr. Juhr said it is an awesome destination and wants the business to succeed. There are parking issues and he took pictures the last weekend – parking lots were full and cars were all over the place. Mr. Sangermano said he loses money 7 months in the year because the business is seasonal.

Mr. Sangermano said he is just there to work together. When the plan was originally approved there was a house on the area and now it is a muddy area and will be corrected with the plan submitted. Mr. Marcantonio said everyone likes it but the people are not happy with the parking. Mr. Sangermano said there have never been any accidents or complaints to the Town. Mr. O'Connor stated there have been no violations or issues to the Town on parking. Mr. Sangermano said the house has already come down and will pave and stripe the parking area and will have no issues – only for 1-1/2 – 2 minutes.

Mr. Casali said when the parking lot is paved and stripped and formalized it will alleviate a lot of the problems. Never had police or fire issues. Mr. O'Connor provided a copy of the Certificate of Use and Occupancy. Mr. Juhr said the site is not in compliance with the original agreement because the dome is in place of the outdoor field. Mr. Marcantonio stated with the bubble going up it took 82 parking spots and the grassland 69 spots which is 13 spaces short. More use because of the indoor field. Mr. O'Connor said they went to the Building Official in 2010 and asked about the correct procedure for the bubble and the Building Official gave them a C.O. Mr. Archambault stated the issue before the Board is for a Special Use Permit for additional parking spaces not here to address the bubble. Mr. Archambault is giving the correct legal advice not on the policy. The bubble is not before the Board just the parking. Mr. O'Connor said they are not asking for a variance for parking because it meets the code.

Mr. Casali said the square foot of the playing field has not changed it was only covered. The outdoor field made no money and with the Town's approval covered it. Mr. DiNunzio stated the Building Office approved the dome and met the requirements of the application. Mr. Casali would not put his stamp on this if it wasn't correct. Mr. Najarian said if you take the focal point of the dome vs no dome that was approved by the Building Official, you can't unapprove it. The Summary Table on sheet 3 of 3 of site plan, the proposed addition provides the number of parking spaces required for that additional square footage. If you take out the emotion and anger directed toward the approval of the dome, it is in compliance as it relates just to the addition. Mr.

Najarian said we have no basis to reject the parking. Mr. Casali said gravel is the existing condition today and the new plan will be paved and stripped.

Entered Exhibit

P9) Town of North Smithfield Conservation Commission, dated October 6, 2008, signed by Donald P. Gagnon, Chairman, outlines the concerns they had with parking on pervious parking area.

P10) Copy of the Building Permit issued by the Building Official, Mr. Robert Benoit, dated 7/20/2010, ATM Development and Wide World of Indoor Sports has permission to construct/install a 114 ft by 200 ft air supported structure on Plat 8, Lot 299.

P11) Certificate of Use and Occupancy, to certify that the 116 ft wide by 203 ft long dome structure to be used for an outdoor sports facility is complete and ready for occupancy, dated October 21, 2010 and signed by Robert Benoit, Building Official.

P12) Approval of the Certificate of Zoning Compliance signed by Robert Benoit, Building Official, dated November 20, 2014, "our current Zoning Ordinance Section 5.4.5(12)-"Commercial outdoor recreation" and Section 5.4.6(9)-"Commercial indoor recreation" requires the granting of a "Special Use Permit" by the Zoning Board of Review. Please be advised that the Special Use Permit was granted for this property on or about July 2008.

P13) A copy of the PowerPoint presentation to the Board by Mr. Joseph Casali, 8 pages, labeled Permitting Requirements, the last page is a drawing of the original field.

Mr. DiNunzio asked if the plans as drawn involve egress for safer traffic. Mr. Casali stated the proposal formalized the parking field and improvements with regulatory signs, double yellow stripes for two-way entrance and exit, and a stop sign to alleviate the backup. Mr. Martin asked when the new schedule went into effect. Mr. Sangermano said two years ago.

Mr. Juhr said it seems short with parking spaces and unfortunate that some things were decided without coming before the Board. Mr. O'Connor summarized they are only here on a Special Use Permit for the addition on to the existing building; the expert, Mr. Casali, testified there are no issues with parking; it meets the Town Zoning regulations; Mr. Casali stated a formal parking area will be put in the dirt area where the house formally was which will vastly improve the perception of the parking issue. The applicant learned over the years how to improve the flow of traffic. Mr. O'Connor stated they meet all the criteria of a Special Use Permit and ask the Board to grant approval of a Special Use Permit.

Town Administrator, Paulette Hamilton, asked the Board to consider this for the economic development. The applicant has followed the rules and even though there were some issues with the rules cannot hold them responsible. There is no reason not to grant approval of a Special Use Permit.

Closed the hearing for testimony 9:15 p.m.

A motion was made by Mr. DiNunzio, seconded by Mr. Martin, to approve the Application for Wide World of Indoor Sports requesting a special use permit for an Indoor Recreation Facility. Roll call vote was as follows: YES: Mr. DiNunzio, Mr. Pasquariello, Mr. Scarpelli, Mr. Martin and Mr. Jühr. Motion passed unanimously, with a vote of 5-0.

5. Adjourn

Mr. Martin made a motion to adjourn at 9:15 p.m. Mr. Scarpelli seconded the motion, with all in favor.

Submitted by Diane Agostini